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NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

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May 28

Honorable Wakefield Dort, Chairman
Resources, Recreation and Development Committee
Concord, New Hampshire

Dear Sir:

You have inquired whether the Town of Hampton is under a legal obligation to provide for the maintenance of public order and sanitation on Hampton beach. I answer this question in the affirmative.

Hampton beach was acquired by the State pursuant to authority contained in Laws of 1933, c. 159. This statute, (s. 1) empowered the Governor, with the advice of the Council, to undertake certain enumerated projects for the preservation and improvement of the beach. Section 2 of the chapter made it a condition to the making of such improvements that the Town of Hampton should release and convey to the State all its right, title and interest in and to certain land in Hampton, including the beach. In respect to the land, "so conveyed", it was enacted in this section: "and provided further, that the Town of Hampton shall maintain public order and sanitation".

The release and conveyance of Hampton's interest in the area was made by deed dated October 26, 1933; construction of the improvements followed.

The legislation cited clearly demonstrates an intention to place an obligation upon the Town of Hampton for the maintenance of order and sanitation upon the making of the conveyance for the purpose of satisfying the condition specified in section 2. The obligation arose upon the making of the conveyance, and, the statute never having been repealed it remains in effect.

Very truly yours,

Gordon M. Tiffany
Attorney General

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